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Attorneys for Plaintiffs Justin James and Nicole James

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JUSTIN JAMES and NICOLE JAMES;

Plaintiffs,

v.

FREMONT REORGANIZING
COMPANY, fka FREMONT
INVESTMENT & LOAN COMPANY,
a California corporation; BRIDGE
CAPITAL CORPORATION, a
California corporation; HSBC BANK
USA, NA, a national banking
association,

Defendants

Case No. CV-08-0397-BR

PLAINTIFFS' ANSWER TO
DEFENDANT FREMONT
REORGANIZING COMPANY'S
COUNTERCLAIM

Plaintiffs hereby answer the counterclaim pled by defendant Fremont Reorganizing
Company as follows:

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COMPANY'S COUNTERCLAIM

1. 1

2 In answer to paragraph 73, plaintiffs deny that the notes and/or trust deeds provide for
3 reimbursement of attorneys fees and costs incurred in defending Fremont's rights in the
4 properties at issue, and allege that Fremont has no rights in the notes, trust deeds, or properties at
5 issue.

2. 6

7 In answer to paragraph 74, plaintiffs deny that Fremont is entitled to recover its attorneys
8 fees and costs incurred in defense of this case.

9
10 AFFIRMATIVE DEFENSES:

3. 11

12 First Affirmative Defense—Failure to State a Claim

13 Defendant has failed to state a claim upon which relief can be granted.

4. 14

15 Second Affirmative Defense—Real Party in Interest

16 Defendant is not the real party in interest with standing to enforce the notes and trust
17 deeds at issue in this case.

18 DATED this 3rd day of February, 2010.

19 OREGON LAW CENTER
20

21 /s/ Hope A. Del Carlo

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11 Of Attorneys for Plaintiffs
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